

**ENTERED**

August 25, 2016

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

FERNANDO TOVAR-ESPINOSA,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

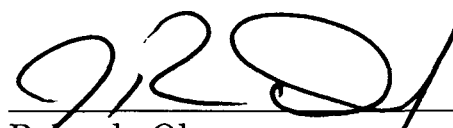
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Civil Action No. 1:16-cv-117  
(Criminal No. 1:13-cr-457-1)

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Magistrate Judge's Report and Recommendation in the above-referenced cause of action. No objections have been filed. After a de novo review of the file, the Magistrate Judge's Report and Recommendation is **ADOPTED**. It is therefore **ORDERED, ADJUDGED, and DECREED** that Tovar-Espinosa's § 2255 Motion (Dkt. No. 1) is **DISMISSED** with prejudice pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts. A certificate of appealability shall not issue.

Signed on this 25<sup>th</sup> day of August, 2016

  
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Rolando Olvera  
United States District Judge